

AGENDA

BOARD OF MAYOR AND ALDERMEN

December 18, 2007

7:30 PM

**Aldermanic Chambers
City Hall (3rd Floor)**

1. Mayor Guinta calls the meeting to order.
2. The Clerk calls the roll.
3. Presentation by members of Manchester Crimeline.

CONSENT AGENDA

4. Mayor Guinta advises if you desire to remove any of the following items from the Consent Agenda, please so indicate. If none of the items are to be removed, one motion only will be taken at the conclusion of the presentation.

Accept BMA Minutes

- A. Minutes of meetings held on July 10, 2007 (two meetings); August 6, 2007 (one meeting); August 7, 2007 (two meetings); September 4, 2007 (two meetings); September 24, 2007 (two meetings); October 2, 2007 (three meetings); and October 16, 2007 (four meetings).]
(Note: available for viewing at the Office of the City Clerk and previously forwarded under separate cover to Mayor and Aldermen.)

Accept Funds and Remand for the Purpose Intended

- B. Communication from William Sanders, Finance Officer, advising of a bequest totaling \$765,667.53 from the Estate of Ms. Patricia Stips, a former teacher at Manchester Memorial High School.

Pole Petitions - approve under supervision of the Department of Highways

- C. PSNH Pole Petition #11-1183 located on Sargent Road

Informational – to be Received and Filed

- D. Communication from Virginia Lamberton, Human Resources Director, submitting an actual utilization and costs of the compensation package that each Alderman receives.
- E. Minutes of the Mayor's Utility Coordinating Committee meeting held on November 21, 2007.
- F. Minutes of the MTA Commission meeting held on October 30, 2007 and the Financial and Ridership Reports for October 2007.
- G. Communication from Pamela Goucher, Deputy Planning Director, regarding Planning Board review of Jac-Pac development plans.

REFERRALS TO COMMITTEES

COMMITTEE ON FINANCE

- H. Resolutions:

“Amending the FY2006 Community Improvement Program, authorizing and appropriating funds in the amount of Sixty Thousand Dollars (\$60,000) for the FY2006 CIP 214206 Manchester Health Care Access Review Program.”

“Amending the FY2007 Community Improvement Program, authorizing and appropriating funds in the amount of Seventeen Thousand Dollars (\$17,000) for the FY2007 CIP 210607 School Based Dental Services.”

“Amending the FY2008 Community Improvement Program, authorizing and appropriating funds in the amount of Fourteen Thousand Three Hundred Seventy Six Dollars (\$14,376) for the FY2008 CIP 210208 Homeless Healthcare Program.”

“Amending the FY2008 Community Improvement Program, authorizing and appropriating funds in the amount of Seventy Nine Thousand Two Hundred Dollars (\$79,200) for the FY2008 CIP 214008 Cities Readiness Initiative.”

“Amending the FY2008 Community Improvement Program, authorizing and appropriating funds in the amount of Seven Thousand Dollars (\$7,000) for the FY2008 CIP 214108 NACCHO Accreditation Improvement Project.”

“Amending the FY2008 Community Improvement Program, authorizing and appropriating funds in the amount of One Hundred Fifty Five Thousand Six Hundred Fifty Six Dollars (\$155,656) for the FY2008 CIP 214208 Primary Care for the Homeless Project.”

“Amending the FY2008 Community Improvement Program, authorizing and appropriating funds in the amount of Seven Thousand Four Hundred Forty One Dollars and Forty Four Cents (\$7,441.44) for the FY2008 CIP 411008 NH Sobriety Checkpoint Program.”

“Amending the FY2008 Community Improvement Program, authorizing and appropriating funds in the amount of Two Hundred Twenty Five Thousand Dollars (\$225,000) for the FY2008 CIP 713508 South Willow Street Area Improvements Project.”

“Amending the FY2008 Community Improvement Program, authorizing and appropriating funds in the amount of Two Hundred Ninety Thousand Dollars (\$290,000) for the FY2008 CIP 810808 Manchester VISTA Initiative Program.”

REPORTS OF COMMITTEES

COMMITTEE ON ADMINISTRATION/INFORMATION SYSTEMS

- I. Advising that it has referred a proposed charter amendment making the School District a department of the City and enabling the Mayor to have control over the form and procedures for preparation and adoption of the School Department budget to the Board of Mayor and Aldermen for further consideration.

(Aldermen O’Neil, Lopez and Forest voted yea; Alderman Smith was opposed; and Alderman DeVries was absent.)

- J.** Recommending that the Board accept the recommendation by the Mayor's Office on behalf of the Arts Commission to amend Section 32.026 of the Code of Ordinances which would allow alternates to be added to the Arts Commission. The Committee further recommends that it be referred to the Committee on Bills on Second Reading for technical review.

(Unanimous vote with the exception of Alderman DeVries who was absent.)

- K.** Advising that it has approved the recommendation of City staff to standardize the letterhead, stationery, and business cards used by all City departments.

(Unanimous vote with the exception of Alderman DeVries who was absent.)

- L.** Advising that it has approved the proposed relocation of MCTV from 530 South Porter Street to 801 Elm Street and recommends that MCTV continue to negotiate a lease agreement with the property owner subject to the review of the City Solicitor and report back to the Board at the next meeting on December 18, 2007.

(Unanimous vote with the exception of Alderman DeVries who was absent.)

- M.** Advising that it has approved Ordinance:

“Amending §97.34 Encumbrances Prohibited, of the Code of Ordinances of the City of Manchester, providing for exceptions by permit for intermittent placement of signage in the public right-of-way.”

and recommends that it be referred to the Committee on Bills on Second Reading for technical review.

(Unanimous vote with the exception of Alderman DeVries who was absent.)

COMMITTEE ON COMMUNITY IMPROVEMENT

- N.** Recommending that acceptance and expenditure of funds for various projects outlined below:

214206	Manchester Health Care Access Review Program	\$ 60,000.00
210607	School Based Dental Services	\$ 17,000.00
210208	Homeless Healthcare Program	\$ 14,376.00
214008	Cities Readiness Initiative	\$ 79,200.00
214108	NACCHO Accreditation Improvement Project	\$ 7,000.00
214208	Primary Care for the Homeless Project	\$155,656.00
411008	NH Sobriety Checkpoint Program – Revision #1	\$ 7,441.44
713508	South Willow Street Area Improvements Project	\$225,000.00
810808	Manchester VISTA Initiative Program	\$290,000.00

be granted and approved and for such purpose amending resolutions and budget authorizations have been submitted.

(Unanimous vote with the exception of Alderman Duval who was absent.)

- O.** Recommending that a petition for discontinuance of a portion of South Willow Street and a portion of Harvey Road be referred to a Road Hearing on Tuesday, January 22, 2008 at 5:00 PM in the Aldermanic Chambers of City Hall.
(Unanimous vote with the exception of Alderman Duval who was absent.)
- P.** Recommending that a petition for discontinuance of a portion of Second West Back Street be referred to a Road Hearing on Tuesday, January 22, 2008 at 5:00 PM in the Aldermanic Chambers of City Hall.
(Unanimous vote with the exception of Alderman Duval who was absent.)
- Q.** Recommending that a request for a sewer abatement at 870 Hayward Street be granted and approved in the amount of \$132.75 as recommended by EPD.
(Unanimous vote with the exception of Alderman Duval who was absent.)
- R.** Recommending that a request for a sewer abatement at 21 Renard Street be granted and approved in the amount of \$243.00 as recommended by EPD.
(Unanimous vote with the exception of Alderman Duval who was absent.)
- S.** Advising that it has approved transfers within FY2007 CIP #510907 Parks Improvement Project as follows:
Weston Observatory from \$196,000 to \$246,000; and
Valley Cemetery from \$250,000 to \$262,000.
The Committee notes that the transfers occurred prior to formal committee action having been taken. As a result, the Committee has requested of all departments that any variations of current or future CIP projects obtain prior authorization. The Committee further requests that any project anticipated to be over budget shall be report to the Committee immediately.
(Unanimous vote with the exception of Alderman Duval who was absent.)
- T.** Advising that it has asked CIP staff to review the Juvenile Fire Setter Intervention Program and report any anticipated revenue shortfalls to the Board at the next meeting on December 18, 2007.
(Unanimous vote with the exception of Alderman Duval who was absent.)
- U.** Advising that a request by the Police Department to add two undercover vehicles to their vehicle fleet has been approved.
(Unanimous vote with the exception of Alderman Duval who was absent.)

COMMITTEE ON JOINT SCHOOL BUILDINGS

- V.** Advising that it has authorized the Department of Highways, Facilities Division to repair the clocks and intercom system at both the Beech Street School and Henry Wilson Elementary School utilizing contingency money for the repairs.

(School Committee Members Beaudry and Gelinas and Aldermen Thibault, Roy and Long voted yea; and School Committee Member Herbert was absent.)

COMMITTEE ON PUBLIC SAFETY, HEALTH AND TRAFFIC

- W.** Advising that it has approved a request of Marcel's Way for use of the Arms lot in conjunction with their 5K Race/Walkathon on Saturday, May 3, 2008.

(Unanimous vote)

- X.** Advising that it has approved Ordinance:

“Amending §70.45 of the Code of Ordinances to clarify responsibility of the Parking Division.”

and recommends same be referred to the Committee on Bills on Second Reading for technical review.

(Unanimous vote)

- Y.** Advising that it has approved Ordinance:

“Amending Chapter 70: Motor Vehicles and Traffic of the Code of Ordinances of the City of Manchester; 70.54 by adding new lots, Lake Avenue and Rines Center Lot, eliminating Victory Garage Prepay Rate, establishing a range of event rates for the Pine Lot to allow the Parking Manager to set the rate at a lower level if warranted, and establishing a range of event rates for the Lake Avenue Lot.”

and recommends same be referred to the Committee on Bills on Second Reading for technical review.

(Unanimous vote)

- Z.** Recommending that regulations governing standing, stopping, parking and operations of vehicles be adopted and put into effect when duly advertised and posted.

(Unanimous vote)

**SPECIAL COMMITTEE ON ALCOHOL AND OTHER DRUGS/
YOUTH SERVICES**

- AA.** Advising that it has requested department heads from CIP, EAP, Health, Library, Mayor's Office, OYS, Police and Schools designate individuals from their respective departments to participate in issues pertaining to this committee.

(Aldermen O'Neil, Pinard and Forest voted yea; Aldermen Duval and Garrity were absent.)

**LADIES AND GENTLEMEN, HAVING READ THE CONSENT AGENDA,
A MOTION WOULD BE IN ORDER THAT THE CONSENT AGENDA BE
APPROVED.**

- 5.** Nominations to be presented by Mayor Guinta, if available.
- 6.** Confirmation of the nominations to the Heritage Commission as follows:
Stephanie McLaughlin, term to expire January 1, 2011; and
Kristy Stewart (alternate), term to expire January 1, 2010.
A motion is in order to confirm the nominations as presented.
- 7.** Mayor Guinta advises that a motion is in order to recess the regular meeting to allow the Committee on Finance to meet.
- 8.** Mayor Guinta calls the meeting back to order.

OTHER BUSINESS

- 9.** Report(s) of the Committee on Finance, if available.
Ladies and Gentlemen, what is your pleasure?

10. Ordinances: (A motion is in order to read by titles only.)

“Amending Chapter 70: Motor Vehicles and Traffic of the Code of Ordinances of the City of Manchester; 70.57 by revising Sections (1) and (5) to reflect current operating practices for hours of operation; and adding new Sections (7) and (8) to add the current daily maximum charge and a lost chip fee.”

“Amending the Zoning Ordinance of the City of Manchester by revising the requirements for the Neighborhood Business District (B-1) to provide more flexibility in uses allowed, dimensional requirements and parking.”

These Ordinances having had their second reading by titles only, the question is on passing same to be Enrolled.

- 11.** Mayor Guinta advises that a motion is in order to recess the regular meeting to allow the Committee on Accounts, Enrollment and Revenue Administration to meet.

- 12.** Mayor Guinta calls the meeting back to order.

- 13.** Report(s) of the Committee on Accounts, Enrollment and Revenue Administration, if available.

Ladies and Gentlemen, what is your pleasure?

- 14.** Mayor Guinta advises that a motion is in order that all matters pending before the present Board of Mayor and Aldermen and its Committees as of January 1, 2008 be referred to the next Board of Mayor and Aldermen.

Ladies and Gentlemen, what is your pleasure?

15. Ordinances: (A motion is in order to read by titles only.)

“Amending Chapter 70: Motor Vehicles and Traffic of the Code of Ordinances of the City of Manchester; 70.57 by revising Sections (1) and (5) to reflect current operating practices for hours of operation; and adding new Sections (7) and (8) to add the current daily maximum charge and a lost chip fee.”

“Amending §70.78 to increase the penalty for parking within 15 feet of a fire hydrant.”

“Amending the Zoning Ordinance of the City of Manchester by revising the requirements for the Neighborhood Business District (B-1) to provide more flexibility in uses allowed, dimensional requirements and parking.”

These Ordinances having had their third and final reading by titles only, the question is on passing same to be Ordained.

16. Resolutions: (A motion is in order to read by titles only.)

“Amending the FY2006 Community Improvement Program, authorizing and appropriating funds in the amount of Sixty Thousand Dollars (\$60,000) for the FY2006 CIP 214206 Manchester Health Care Access Review Program.”

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If the Board so desires, a motion is in order that the Resolutions pass and be Enrolled.

TABLED ITEMS

A motion is in order to remove any of the following items from the table for discussion.

- 17. Report of the Committee on Bills on Second Reading recommending that Ordinance:**

“Amending the Zoning Ordinance of the City of Manchester by extending the B-2 (General Business) zoning district to include property currently zoned IND (Industrial) located on the south side of Gold Street east of the former Lawrence Branch of the B&M Railroad and including the following three lots Tax Map 875-14, 875-15, 875-16.”

ought to pass.

*(Aldermen Duval, Lopez, Garrity and Pinard recorded in favor; Alderman Gatsas opposed.)
(Tabled 09/05/2006)*

(Note: available for viewing at the Office of the City Clerk and previously forwarded under separate cover to Mayor and Aldermen.)

18. Report of the Committee on Bills on Second Reading recommending that Ordinance:

“Amending the Zoning Ordinance of the City of Manchester by extending the R-3 (Urban Multi-family) zoning district to include property currently zoned R-1B (Single-family) located on a portion of Tax Map 691 Lot 143-1 that will be on the north side of a proposed Gold Street Bypass and adjacent to Bradley Street and the New St. Augustin’s Cemetery.”
ought to pass.

*(Aldermen Duval, Lopez, Garrity and Pinard recorded in favor; Alderman Gatsas opposed.)
(Tabled 09/05/2006)*

(Note: available for viewing at the Office of the City Clerk and previously forwarded under separate cover to Mayor and Aldermen.)

19. Report of the Committee on Community Improvement advising that it has requested staff to prepare documents to provide that the City agree to extend the term on the 2nd mortgage relating to Lowell Terrace Associates property located at the northwest corner of Lowell and Chestnut Streets to coincide with the expiration of the existing first mortgage in 2013.

(Unanimous vote)

(Tabled 05/15/2007. Additional materials provided by Finance enclosed.)

(Note: available for viewing at the Office of the City Clerk and previously forwarded under separate cover to Mayor and Aldermen.)

20. A Majority report of the Committee on Bills on Second Reading recommending that Ordinance:

“Amending the Zoning Ordinance of the City of Manchester by extending the General Business District (B-2) into an area currently zoned Residential One Family District (R-1B), being a portion of Tax Map 381, Lot 47 with an address of 466 South Willow Street and abutting South Lincoln, South Willow and Parkview Streets. A majority of the property is currently zoned B-2 and the petition would extend the B-2 to include the entire lot.”

be denied at this time.

The Committee notes that the business owner should work with the neighborhood and may return with a petition after addressing issue as noted in a communication from Alderman Garrity enclosed herein.

(Aldermen Garrity, Pinard and Duval in favor. Aldermen Lopez and Gatsas opposed.)

(Tabled 06/05/2007)

(Note: available for viewing at the Office of the City Clerk and previously forwarded under separate cover to Mayor and Aldermen.)

A Minority report of the Committee on Bills on Second Reading recommending that Ordinance:

“Amending the Zoning Ordinance of the City of Manchester by extending the General Business District (B-2) into an area currently zoned Residential One Family District (R-1B), being a portion of Tax Map 381, Lot 47 with an address of 466 South Willow Street and abutting South Lincoln, South Willow and Parkview Streets. A majority of the property is currently zoned B-2 and the petition would extend the B-2 to include the entire lot.”

ought to pass.

The minority advises that the proposed zoning, in its opinion, is consistent with the highest and best use of the property and that neighborhood concerns can be best addressed through the development process at the Planning Board level, therefore, that such rezoning should be considered subject to the Planning Board approving any plans for development of the property.

S/Alderman Lopez

(Tabled 06/05/2007)

(Note: additional communications from Alderman Garrity and petitions enclosed.)

(Note: available for viewing at the Office of the City Clerk and previously forwarded under separate cover to Mayor and Aldermen.)

21. NEW BUSINESS

- a) Communications
- b) Aldermen

22. If there is no further business, a motion is in order to adjourn.